THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

CIVIL REVISION PETITION No.4660 of 2006

ORDER:

The petitioner filed O.S.No.34 of 2006 in the Court of the Junior Civil Judge, Jangaon, Warangal against the respondents for the relief of perpetual injunction in respect of a plot of land. He has also filed I.A.No.44 of 2006 under Order 39 Rules 1 and 2 C.P.C. The trial Court passed an order of ad-interim injunction and after hearing both the parties, it made the same absolute on 05.07.2006.

The respondents filed C.M.A.No.5 of 2006 in the Court of the Senior Civil Judge, Jangaon. The lower appellate Court allowed the appeal through order, dated 31.08.2006. Hence, this revision.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

While issuing notice before admission on 29.09.2006, this Court directed that the parties shall maintain *status quo*. The property is a vacant plot. No specific enjoyment as such is expected of it in the present form. The question as to whether the petitioner or the respondents are in possession of the plot as on the date of filing of the suit, needs to be considered by the trial Court after recording evidence. The interests of the parties can be protected by directing that no construction activity shall be undertaken on the schedule property till the disposal of the suit.

The suit is of the year 2006 and it needs to be disposed of at the earliest.

Hence, the civil revision petition is partly allowed by modifying the order under revision to the one of a direction to the petitioner and the respondents not to make any construction over the suit schedule property till the disposal of the suit. The trial Court shall endeavour to dispose of the suit within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY,J

Dt:06.08.2010.

Note: Issue cc in one week.
(B/o)
kdl